

## United States Patent and Trademark Office



UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER OF PATENTS AND TRADEMARKS Washington, D.C. 20231 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/698,274	10/30/2000	Shinya Yamaguchi	520.39251X00	6630
	590 03/14/2002			
ANTONELLI TERRY STOUT AND KRAUS			EXAMINER	
	1300 NORTH SEVENTEENTH STREET ARLINGTON, VA 22209		ABRAHAM, FETSUM	
ARLINGTON,	VA 22209		ART UNIT	PAPER NUMBER
			2826	

DATE MAILED: 03/14/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

2

Serial Number: 09/698,274

Art Unit: 2826

## RESTRICTION REQUIREMENT

Restriction to one of the following inventions is required under 35 U.S.C. § 121:

I. Claims 1-7,9,10-12,16-18,26 a device, classified in Class 257, subclass 255.

II. Claim 26, drawn to a method of making a device, classified in Class 438, subclass 149.

Inventions II and I are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MEP. § 806.05(f)). In the instant case, the undefined gate insulation material, crystallizing metal agent could have been one of the many available material choices in the technology. This would mean a nitride or oxide or oxynitride for the gate insulation layer, and one of the known metals from Co, Ni, Cu, Pd, Au and etc. The restriction is based on the fact that an alternate material is available for a choice of material by the applicant.

Because these inventions are distinct for the reasons given above and as shown by the above different classifications, the fields of search are not co-extensive and separate examination would be required for examination purposes and the restriction requirement as indicated is proper.

Serial Number: 09/698,274

Art Unit: 2826

Any inquiry concerning this communication should be directed to Fetsum Abraham at telephone number (703) 305-3793.

Fetsum Abraham 11/07/00

HERSUM ABRAHAM PRIMARY EXAMINER